THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20193 OF 2007

DATED:24-09-2007

BETWEEN:

Balaboina Pentaiah & 2 others.

..... PETITIONERS

AND

The Special Deputy Collector &
Revenue Divisional Officer,
Rangareddy District,
East Division, Malakunta,
Hyderabad.

.....RESPONDENT

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondent.

2. Petitioners seek a writ of mandamus declaring the action of the respondent in not disposing of the appeal bearing No.A2/11/07 and A2/2173/2007, dated 21-05-2007, pending before the respondent since more than four months, as illegal and arbitrary.

3. It is the case of the petitioners that they have made an application for issuance of pattadar pass book under the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for brevity, 'the Act') and the rules made thereunder before the Mandal Revenue Officer, Shamirpet mandal, Rangareddy District and the said application has been considered and it was found that there is a protected tenancy dispute in respect of the lands in Sy.Nos.76, 78, 80, 81 and 82 of an extent of Ac.38.02 guntas situated at Uddemarry village in File No.B/2513/1996 and the said dispute is pending before the Joint Collector, Rangareddy District in File Nos.F2/3145/96, F2/3793/96 and F2/3794/96 and therefore, until the said dispute is decided the revenue authorities cannot issue pattadar pass books. Accordingly, the Mandal Revenue Officer by his memo No.B/2513/96, dated 02-01-2007, stated that the said request

cannot be considered. As against the said memo petitioners filed an Appeal bearing No.A2/11/07 and A2/2173/07 before the respondent-Special Deputy Collector & Revenue Divisional Officer, and the same is pending. It is stated that the respondent has not considered and disposed of the said appeal so far. Hence, the present Writ Petition.

4. I am not inclined to express any opinion whether the appeal is maintainable and whether the appellate authority can decide the issue when the protected tenancy dispute is pending before the Joint Collector, but however, if the appeal is not maintainable and if there is no illegality in the memo issued by the Mandal Revenue Officer, it is for the appellate authority to consider and pass appropriate orders but there cannot be any justification for the appellate authority in simply keeping the appeal pending.

5. Having regard to the facts and circumstances without expressing any opinion on the merits of the case, respondent is directed to consider and dispose of the alleged appeal said to have been filed and pending in Appeal No.A2/11/07 and A2/2173/07 and pass appropriate orders in accordance with law as expeditiously as possible without any undue delay.

6. Accordingly, Writ petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH,J

24th September, 2007.
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